



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/601,400 | 06/23/2003 | Roy Edward Creek | GJ - 243J | 7797 |
| 7590 | 09/17/2004 | | EXAMINER | |
| Iandiorio & Teska 260 Bear Hill Road Waltham, MA 02451-1018 | | | | SHAFER, RICKY D |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2872 |

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/601,400 | CREEK, ROY EDWARD |
| | Examiner Ricky D. Shafer | Art Unit 2872 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 June 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-6 and 9 is/are rejected.
 7) Claim(s) 7,8,10 and 11 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams, Jr. et al ('723).

Williams, Jr. et al discloses an apparatus for constructing a thin film mirror comprising a suction chamber between elements [(28)&(30)], first and second attachment means [(132),(134), (136),(140),(142)] positioned on opposite sides of the suction chamber for attaching the thin film (28) to the suction chamber such that the first and second attachment means secure the thin film against movement when tension is applied in a first direction and allow the thin film to move and stretch in a second direction at right angles to the first direction to allow the thin film to be distorted to a desired geometric shape and first and second adjustment means [(132),(134),(136), (140),(142)] positioned on opposite sides of the suction chamber, which are perpendicular to the first and second attachment means, for stretching the thin film in the second direction, wherein the first and second adjustment means includes a clamping device [(132),(134),(142)] and tensioner means (136) for applying a tension to the thin film in the second direction. Note Fig. 15 along with the associated description thereof.

3. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Albert ('717).

Albert discloses an apparatus for constructing a thin film mirror comprising a suction chamber between the frame (10) and thin film (12), first and second attachment means (13) positioned on opposite sides of the suction chamber for attaching the thin film to the suction chamber such that the first and second attachment means secure the thin film against movement when tension is applied in a first direction and allow the thin film to move and stretch in a second direction at right angles to the first direction to allow the thin film to be distorted to a desired geometric shape (see column 2, line 54 to column 3, line 31), wherein the first and second attachment means includes a retaining strip (the retaining key shown in Fig. 9) and an attachment member (14) having first and second ends, wherein the first end passes partially around the retaining strip and the second end is secured to the suction chamber and first and second adjustment means [(20), (27), (29),(30), (44-46), (50)] positioned on opposite sides of the suction chamber, which are perpendicular to the first and second attachment means, for stretching the thin film in the second direction, wherein the first and second adjustment means includes a clamping device [(20),(44)] and tensioner means (30) for applying a tension to the thin film in the second direction (see column 4, line 52 to column 6, line 57). Note Figures 1 and 6 to 9 along with the associated description thereof.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numeral (18), disclosed on page 7 of specification, has not been illustrated . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

Art Unit: 2872

amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Claims 7, 8, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

September 06, 2004


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT 2872